IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7789 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GOPI ENTERPRISE THROUGH ITS POA

Versus

PRINCIPAL, STATE RESERVE POLICE TRAINING CENTRE

Appearance:

MR AM DAGLI for Petitioner

MR MA BUKHARI for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/07/2000

ORAL JUDGEMENT

1. Heard the learned counsel for the parties.

2. Prayer is made in this Special Civil Application for quashing and setting aside orders of the respondent

dated 28th August, 1998, Annexure M and N. Under the first order, the petitioner was called upon by the respondent to deposit a sum of Rs.15,785/- and under the second order, the petitioner was ordered to be black listed.

3. The respondent invited tenders for supply of essential food articles to the mess for the period from 12/5/1996 to 12/4/1997. The tender of the petitioner was accepted and during that period, the petitioner supplied essential food articles regularly and strictly as per placement of the order by the respondent. After the term of the tender was over, and at the time of payment of the final bill, the respondent under the letter dated 8/5/1997 has raised technical questions regarding supply of inferior quality of the food articles. The two orders aforesaid impugned in this Special Civil Application were came to be passed.

4. So far as the first order is concerned, the Court has not admitted this petition, but directed the petitioner to take appropriate remedy after making the payment thereof. For the second order, notices were issued and the matter was then admitted on 1/5/2000. This order has been passed in the year 1998. The operation of this order was not stayed by this Court. Those officers against whom the petitioners may have some grievance or those who would have some prejudice against the petitioner, now may not be in the office of the institution. In view of these facts and further that this is not final and concluded matter and such orders are always subject to review by the authorities concerned, the petitioner may be permitted to file application for the review of the impugned order.

5. In this petition, reply has also not been filed by the respondent as I do not find the same in the papers placed in the Court. It is also not the case of the respondent concerned that reply has been filed.

6. The interest of justice will serve in case this petition is disposed of in terms that the petitioner is free to file an application before the respondent for review of the order dated 28th August, 1998 to the extent it relates to its blacklisting and the respondent shall decide the same within a period of one month from the date of receipt thereof. In case where the respondent decides not to review this order, then a reasoned order may be passed and a copy of the same may be sent to the petitioner by Regd.P.A.D. In case where the respondent passes an adverse order to the petitioner, liberty is

granted to it for revival of this Special Civil Application. The Special Civil Application and Rule stand disposed of accordingly with no order as to costs.

(S.K. Keshote, J.)
(kamlesh)